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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,659	10/24/2003	Nancy Ann Marx		6350
7590	02/08/2006			
Nancy A. Marx 7010 Skyland Drive Warrenton, VA 20187			EXAMINER STOICA, MARIA	
			ART UNIT	PAPER NUMBER
			3715	
DATE MAILED: 02/08/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/691,659

Applicant(s)

MARX, NANCY ANN

Examiner

Maria Stoica

Art Unit

3715

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 2 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure that goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petteway (US Patent No. 5,626,365) in view of Sines (US Patent No. 2,917,325). Petteway discloses a process for providing an easier, more effective way to read children's picture books to an audience of children (col. 1, line 14-23) which is

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comprised of a picture book's words/text, respective pictures, and page numbers of the story(book) printed/shown on the back two pages of the book (one page being the back cover's inside page and the other being the back side of the last page in the book) in a manner that allows the reader to continuously read from one page to the next as one would read from the pages of the story itself from beginning to end (col. 3 lines 30-46; Figures 5 & 6); of a binding system that allows the book to be fully opened horizontally so that the two back pages are fully opened to the reader and at the same time, the picture page(s) of the book is fully opened to the audience (col. 3, lines 9-16; Figure 1); and of materials used to manufacture the cover and pages that ensure a sturdiness of them so that when held in an open position, won't bend excessively and the pages won't rip or bend excessively when turning them with the tabs (col. 2, lines 16-18).

Petteway does not expressly disclose a numbered tabbing system that corresponds to the page numbers next to the text the reader is reading on the back pages and allows the reader to use the tabs to easily flip to the next picture/page that the audience is viewing and continue using said system until through reading. However, Sines teaches this aspect (see Figures). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the tabbing system taught by Sines into the book of Petteway in order to allow for the ease of the turning pages properly such that coupled pages are shown simultaneously.

Regarding claim 2, Petteway, as modified by Sines, discloses that the system is comprised of but not limited to a particular size, shape or thickness of picture book; a

particular type of binding that allows the reader's pages and the book's picture(s) to be fully opened to the reader and audience respectively; to the words being placed horizontally as in the example or vertically or otherwise and the same holds true for the pictures and numbers, only that they stay with the respective words/text; a certain font, size or style of character, only that they are large enough for the reader to see; and is not limited to any particular side of tab, nor must they be placed on any particular side or top, only that they are convenient for the reader to turn (see Figures and Summary of both references).

### ***Conclusion***

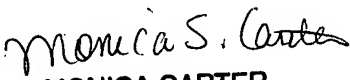
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Clements (US Patent Nos. 6,210,172 and 5,713,743) relate to a book method of presenting content to be read to both a reader and an audience, the content being located on different sides of a book. Shepherd (US Patent No. 2,544,568) relates to splitting book material content into the first half and second half of a book.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maria Stoica whose telephone number is (571) 272-5564. The examiner can normally be reached on M-F: 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica Carter can be reached on (571) 272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MS

  
MONICA CARTER  
SUPERVISORY PATENT EXAMINER